

Pro Se General Complaint for a Civil Case (Rev. 10/16)

United States District Court
for the
NORTHERN DISTRICT OF ALABAMA

Ali Amiri**Plaintiff**

(Write your full name. No more than one plaintiff may be named in a pro se complaint)

v.

Arunava Gupta
Nian X. Sun
Takao Suzuki
Patrick R. LeClair
The University of Alabama

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all defendants cannot fit in the space above or on page 2, please write "see attached" in the space and attach an additional page with the full list of names)

Case No.:

(to be filled in by the Clerk's Office)

JURY TRIAL ☒ Yes ☐ No

7:18-cv-00425-RDP

COMPLAINT FOR A CIVIL CASE**I. The Parties to This Complaint****A. The Plaintiff**

Name

Ali Amiri

Street Address

1315 Riverside Dr., Apt. 5

City and County

Tuscaloosa

State and Zip Code

Alabama 35401

Telephone Number

205-331-6903**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization or a corporation. If you are suing an individual in his/her official capacity, include the person's job or title. Attach additional pages if needed.

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Defendant No. 1

Name Arunava Gupta
Job or Title Associate Director (of the MINT)
Street Address 201 7th Avenue, Tom Bevill Building
City and County Tuscaloosa
State and Zip Code Alabama, 35487

Defendant No. 2

Name Nian X. Sun
Job or Title Director (of the AMML)
Street Address 417 Dana Research Center, 360 Huntington Ave.
City and County Boston
State and Zip Code Massachusetts, 02115

Defendant No. 3

Name Takao Suzuki
Job or Title Director (of the MINT)
Street Address 201 7th Avenue, Tom Bevill Building
City and County Tuscaloosa
State and Zip Code Alabama, 35487

Defendant No. 4

Name Patrick R. LeClair
Job or Title Chair (of Physics Department)
Street Address 206 Gallalee Hall, 514 University Blvd.
City and County Tuscaloosa
State and Zip Code Alabama, 35487

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Defendant No. 5

Name

The University of Alabama

Job or Title

Street Address

801 University Blvd., Rose Administration

City and County

Building, Suite 203, Tuscaloosa

State and Zip Code

Alabama, 35401**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only these types of cases can be heard in federal court: a dispute that involves a right in the United States Constitution or a federal law (as opposed to a state law or local ordinance); a dispute that involves the United States of America (or any of its agencies, officers or employees in their official capacities) as a party; and a dispute between citizens of different states with an amount in controversy that is more than \$75,000.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Constitutional or Federal Question ☐ USA Defendant ☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction is USA defendant

The Defendant(s)

Name of Agency _____

Address _____

B. If the Basis for Jurisdiction is a Constitutional or Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

C. If the Basis for Jurisdiction is Diversity of Citizenship

1. The Plaintiff

The plaintiff, (name) Ali Amiri, is a citizen of the State of (name) Alabama.

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) Nian X. Sun, is a citizen of the State of (name) Massachusetts. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy – the amount the plaintiff claims the defendant owes or the amount that is at state – is more than \$75,000, not counting interest and costs of court, because: *(explain)*

The amount in controversy is five hundred million dollars (\$500,000,000) which is the compensatory damages due to the stealing and disclosure of the secret trades of the New Computer Technology.

III. Statement of Claim

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Write a short and plain statement of the claim. Briefly state the facts showing that the plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Please see the attached.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks for the court to order. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive (punishment) or exemplary (warning or deterrent) damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

- 1) Return the stolen properties including 8 notebooks, about 200 pages of designs, and two Flash memories.
- 2) Compensatory damages of five hundred million dollars (\$500,000,000) to compensate the damages arising from disclosure of the secret trades and other intellectual property materials.
- 3) Punitive damages of one hundred thousand dollars (\$100,000) for stopping the health insurance and the monthly stipend since May 15, 2017.
- 4) Ask the University of Alabama to comply with its own rules and regulations regarding issuing my Ph.D. diploma.

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Under Rule 11 of the Federal Rules of Civil Procedure, by signing below, I certify to the best of my knowledge, information, and belief that this complaint; (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending, modifying or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in dismissal of my case.

First Name Ali Last Name Amiri
 Mailing Address 1315 Riverside Dr., Apt. 5
 City and State Tuscaloosa, Alabama Zip Code 35401
 Telephone Number 205-331-6903
 E-mail Address ali.amiri2718@gmail.com

Signature of plaintiff Ali Amiri
 Date signed 3/19/2018

****OPTIONAL****

You may request to receive electronic notifications. You may not file documents or communicate with the court electronically. All documents must be submitted in paper and you must serve the defendants.

Type of personal computer and related software/equipment required:

- Personal computer running a standard platform such as Windows or Mac OSX
- Internet access (high speed is recommended)
- A Web browser (Microsoft Internet Explorer 7.0 or 6.0 or Mozilla Firefox 2 or 1.5)
- Adobe Acrobat Reader is needed for viewing e-filed documents
- PACER account – Information and registration at www.pacer.gov

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- You will receive one “free” look of the document. Documents must be viewed within 14 days. You must only single-click on the hyperlink to view.

Note: You must promptly notice the Clerk’s Office, in writing, if there is a change in your designated e-mail address. Failure to update your email address does not excuse failures to appear or timely respond.

E-mail type:

- ☒ HTML – Recommended for most e-mail clients
☐ Plain Text – Recommended for e-mail accounts unable to process HTML e-mail

Conditioned upon the sufficiency of your electronic equipment which the court will test and verify receipt, you will be allowed to receive electronic notifications.

By submitting this request , the undersigned consents to electronic service and waives the right to personal service and service by first class mail pursuant to Rule 5(b)(2) of the Federal Rules of Civil Procedure, except with regard to service of a summons and complaint.

When a filing is entered on the case docket, a party who is registered for electronic noticing will receive a Notice of Electronic Filing in his/her designated e-mail account. The Notice will allow one free look at the document, and any attached .pdf may be printed or saved.

IMPORTANT:

Messages sent to Yahoo or AOL accounts are frequently found in the spam folder until the court is added to your address book.

E-mail address designated for noticing:

ali.amiri2718@gmail.com

Participant signature: Ali Amiri

Date: 3/19/2018

III. Statement of Claim

The defendants have stolen 8 notebooks, about 200 pages of designs and calculations, and two flash memories containing information about the New Computer Technology. The stolen items include the theoretical calculations, experimental data, new discoveries, and scientific designs of instruments.

I have the ownership of this technology through IP release agreement form the University of Alabama, and through disclaimer of ownership rights from Mr. Arunava Gupta and Mr. Patrick R. LeClair.

The theft was done in September 2017, and the defendants have not returned the stolen items since then. There were three attempts to return the stolen items as follows.

First attempt: By FBI officer Mr. Joshua Alford in October 2017.

Second attempt: By FBI officer Mr. Jason Esslinger in November 2017.

Third attempt: By my pre-litigation attorney Mr. Sydney Cook in February 2018.

The involvement of each defendant is as follows.

Mr. Arunava Gupta: He was my research advisor and hence had access to the related research data. He communicated my research data to Mr. Nian X. Sun. He also collaborated with the other defendants to steal and exploit my intellectual properties.

Mr. Nian X. Sun: He received my research data from Mr. Arunava Gupta starting in August 2013 and continuing up to now. He reproduced and published some of my results on August 2014 without my name and before I get patent protection on those inventions. He also came to Tuscaloosa, Alabama in October 2018, just one month after the theft. There was an investigation on illegal technology transfer against Mr. Nian X. Sun, which was conducted by Vice President Carl Pinkert. The investigation started in April 2017, and was terminated on July 2017 due to the armed police operations. Vice President Carl Pinkert stepped down from vice presidency in December 2017.

Mr. Takao Suzuki: He has collaborated with Arunava Gupta in his illegal actions. Also, he has signed a false document knowing that the content has false information. This document was the basis for the armed police operations.

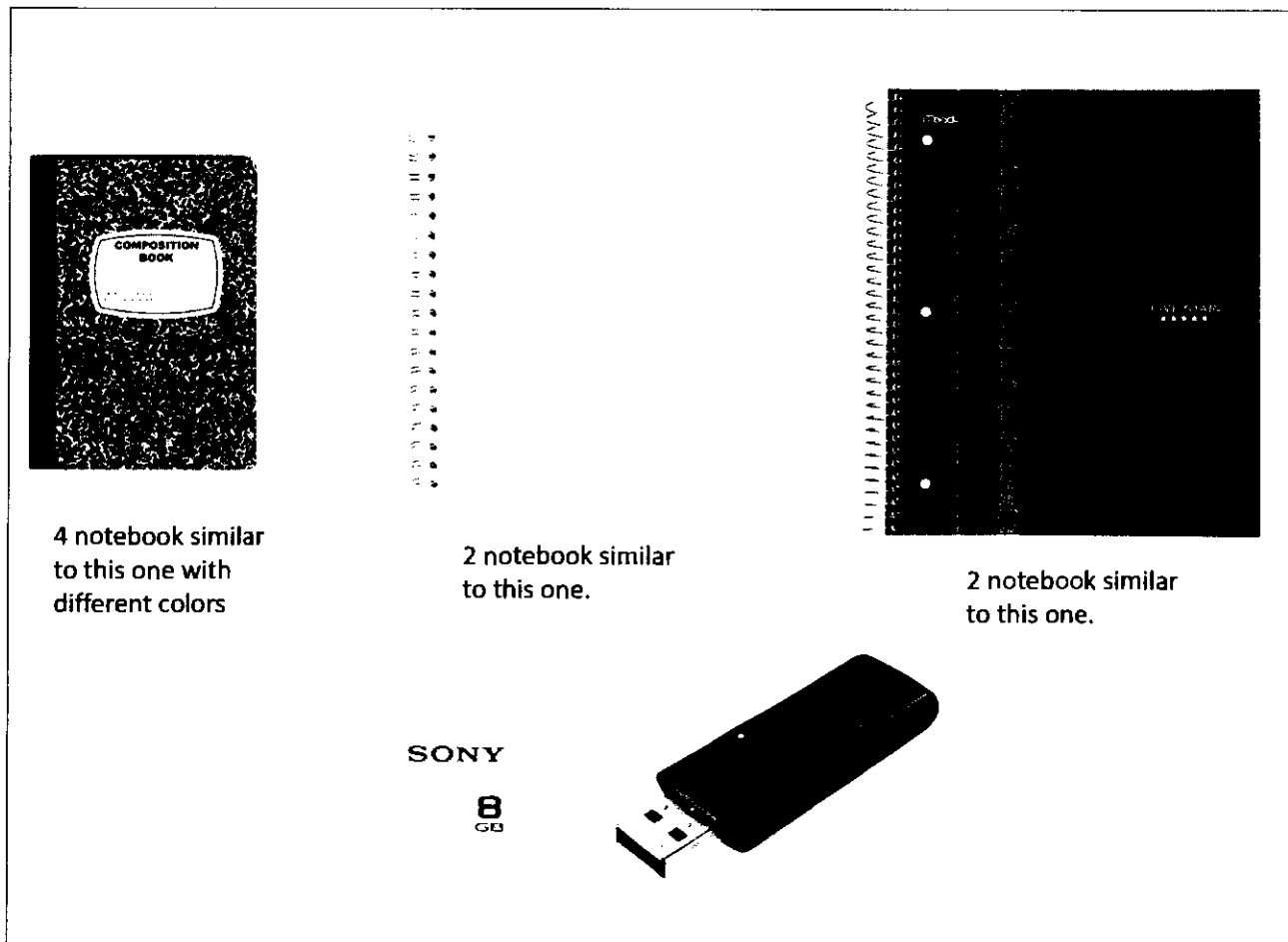
Mr. Patrick R. LeClair: He has collaborated with Arunava Gupta in his illegal actions. He has decreased my GPA from 3.93 to 3.46 by manipulating and falsifying the UA grading system.

The University of Alabama refused to stop the illegal actions of its employees. The University committed other illegal actions that facilitated the theft, which includes:

- Conducting the unlawful police operations in June 2017.
- Stopping my stipend and health insurance since May 15, 2017.
- Trying to dismiss me from the Ph.D. program without due process.

Stolen documents include:

- 1) 8 notebooks :
Four of them have paper cover.
Two notebooks with transparent hardcover.
Two five star spiral notebooks.
- 2) Two flash drives including the experimental data, theories, and design data.
One white flash drive with (8 GB)
Another black flash drive (16 GB)
- 3) Few hundred pages of A4, including the calculations, designs, theoretical backgrounds, etc.



Similar pictures of the main stolen documents.

OFFICE OF THE GOVERNOR

KAY IVEY
GOVERNOR



STATE CAPITOL
MONTGOMERY, ALABAMA 36130

(334) 242-7100
FAX: (334) 242-3282

STATE OF ALABAMA

October 17, 2017

Mr. Ali Amiri
1315 Riverside Drive, Apt 5
Tuscaloosa, AL 35401

Dear Mr. Amiri:

After much review and discussion with officials at the University of Alabama, as well as University Counsel, we have determined that your dispute with the University is not a matter appropriate for resolution through Governor Kay Ivey's office. Your appropriate recourse is through the courts of Alabama.

Please consider this our final response to your repeated inquiries on the matter of your allegations against the University of Alabama.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan M. Taylor".

Bryan M. Taylor
General Counsel

BMT/tml

SYDNEY COOK ASSOCIATES, LLC

ATTORNEYS AT LAW

J. SYDNEY COOK, III

WRITER'S EMAIL ADDRESS:
SCOOK@SCOOKASSOCIATES.COM

TELEPHONE (205) 561-5400
DIRECT DIAL (205) 561-5401
FACSIMILE (205) 556-4944

February 9, 2018

Dr. Stuart Bell
President
The University of Alabama
Box 870100
Tuscaloosa, AL 35487

VIA E-mail: president@ua.edu
VIA U.S. Mail

RE: Ali Amiri

Dear Dr. Bell:

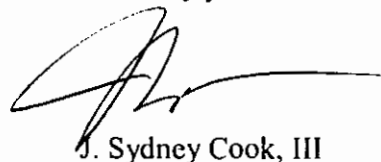
This firm has been retained by Mr. Ali Amiri to represent him in asserting certain claims against the University as follow:

1. Relating to his status as a PhD candidate and his dismissal from his PhD program without due process and possibly in violation of UA procedures.
2. Relating to the illegal entry into his residence by UA police without a court order or valid search warrant.
3. Relating to breaking into his locker in order to steal materials and information contained in it about his patents.

However, before pursuing legal action against UA and its responsible officials and employees, we would like to meet with you and other appropriate University officials to discuss his situation and whether it can be resolved amicably outside of court.

If you or your representatives are willing to meet with us to discuss the situation and the possible remedies for the wrongs done to Mr. Amiri, please respond to me with the suggested date and time for such a meeting by no later than Friday, February 16. If no communication is received by me by the 16th, we will initiate the formal litigation process.

Sincerely yours,



J. Sydney Cook, III

JSC, III:stc

SYDNEY COOK ASSOCIATES, LLC

ATTORNEYS AT LAW

J. SYDNEY COOK, III

WRITER'S EMAIL ADDRESS:
SCOOK@SCOOKASSOCIATES.COM

TELEPHONE (205) 561-5400
DIRECT DIAL (205) 561-5401
FACSIMILE (205) 556-4944

February 15, 2018

Mr. Michael Spearing
Chief University Counsel
The University of Alabama
Via email at mspearing@uasystem.ua.edu

RE: Ali Amiri issues

Dear Mike:

This email is a follow up to our phone conversation on Monday about the Ali Amiri issues covered by my February 16 letter to Dr. Bell.

During our conversation you mentioned various written materials in your files that you said were relevant to the Amiri issues. I requested that you send copies of those materials to me for my review and consideration. You stated would you would do so. As yet, I have not received them from you.

In the interim, my client has informed me that there had been an investigation conducted by UA Vice President Carl Pinkert into an illegal technology transfer occurring in April and May 2017. The investigation concerned the transfer of research data conducted by Mr. Ali Amiri about the New Computer Technology from the Center for Material for Information Technology (MINT), by its Associate Director Arunava Gupta, to the Director of Advanced Materials and Microsystems Laboratory (AMML), Dr. Nian X. Sun. Please provide me with a copy of the report on this Pinkert investigation including the people who were interviewed, the resources which were used, and the conclusions which were reached as the result of the investigation.

The supplying of the requested information may go a long way towards resolving my clients' issues with The University. However, any further delay in providing them to me can only elevate my client's concerns that the University does not want to conclude this matter without litigation.

If you have any questions, please let me know.

Sincerely yours,



J. Sydney Cook, III

JSC, III:mfw

AGREEMENT FOR RELEASE OF INVENTION RIGHTS

WHEREAS, Ali Amiri (referred to herein as "Inventor(s)") have conceived and disclosed to The Board of Trustees of The University of Alabama for and on behalf of its component institution, The University of Alabama acting by and through the Office for Technology Transfer within the Office of the Vice President for Research and Economic Development ("UA") invention disclosure UAIPD17-0043 entitled "Memory Device", (referred to herein as "Invention"), the substance and entirety of which is attached hereto as "Exhibit A"; and

WHEREAS, rights of the Inventors and UA in the Invention are governed by the terms of The University of Alabama Board Rule 509 and UA Patent Policy, as approved by Board of Trustees in February of 2013; and

WHEREAS, the Invention was conceived and/or reduced to practice under conditions such that it is the property of UA under the terms of the UA Patent Policy; and

WHEREAS, pursuant to the UA Patent Policy, UA has determined that it has no interest in retaining ownership of the Invention, and that it is willing to release to the Inventors UA's interest therein;

NOW, THEREFORE, the parties hereto agree as follows:

1. UA hereby releases and transfers to the Inventors, and to their heirs, executors, administrators and assigns, all of its right and interest in and to the Invention as described in Exhibit A and in and to any and all copyrights and/or patents, whether United States or foreign, which at any time may be granted therefor, including any and all renewals, reissues and prolongations thereof (the "Copyrights and Patents").
2. The Inventors represent that they are the only inventors of the Invention. The Inventors further agree that if other individuals contribute to the Invention, then it is the responsibility of the Inventors to obtain assignments of the rights of the additional inventors to the Inventors to secure full ownership and control of those additional contributions without cost to UA. The Inventors hereby grant to UA a perpetual irrevocable, non-exclusive, non-transferable, royalty-free license to practice said Invention internally for educational and research purposes only.
3. Inventors agree to indemnify and hold UA and its trustees, directors, officers, employees and affiliates harmless from and against any and all claims, demands, losses or causes of action related in any way to the production, marketing or commercialization of the Invention.
4. Inventors understand that said Invention is being assigned to them for their own personal activities. UA does not have any responsibility to further develop the Invention, and UA shall not be obligated to expend any additional funds, equipment, facilities or other resources. Inventors agree not to use any UA funds, equipment, facilities, or other resources to patent, market, license, sell or otherwise commercially develop said Invention after execution of this Agreement without UA's prior written approval and full reimbursement of the costs of such use. The foregoing notwithstanding, Inventors are free to perform continued research relating to the Invention. The rights of Inventors and UA in any improvements to the Invention that fall outside that described in Exhibit A or new inventions stemming from this continued research that fall outside that described in Exhibit A will be governed by the terms of the UA Patent Policy.
5. EXCEPT AS OTHERWISE EXPRESSLY SET FORTH IN THIS AGREEMENT, UA, ITS TRUSTEES, DIRECTORS, OFFICERS, EMPLOYEES, AND AFFILIATES MAKE NO REPRESENTATIONS AND EXTEND NO WARRANTIES OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, VALIDITY OF PATENT RIGHTS CLAIMS, ISSUED OR PENDING, AND THE ABSENCE OF LATENT OR OTHER DEFECTS, WHETHER OR NOT DISCOVERABLE. NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED AS A REPRESENTATION MADE OR WARRANTY GIVEN BY UA THAT THE PRACTICE BY INVENTORS OF THE INVENTION GRANTED HEREUNDER SHALL NOT INFRINGE THE PATENT RIGHTS OF ANY THIRD PARTY. IN NO EVENT SHALL UA, ITS TRUSTEES, DIRECTORS, OFFICERS, EMPLOYEES AND AFFILIATES BE LIABLE FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES OF ANY KIND, INCLUDING ECONOMIC DAMAGE OR INJURY TO PROPERTY AND LOST PROFITS, REGARDLESS OF WHETHER UA SHALL BE ADVISED, SHALL HAVE OTHER REASON TO KNOW, OR IN FACT SHALL KNOW OF THE POSSIBILITY.

6. This Agreement shall be governed by the laws of the State of Alabama.

IN WITNESS WHEREOF, this release and assignment has been duly executed by UA and the Inventors as of the date set forth below.

INVENTOR

By: Ali Amiri

Name: Ali Amiri

Date: 7 August 2017

THE UNIVERSITY OF ALABAMA

By: Carl A. Pinkert

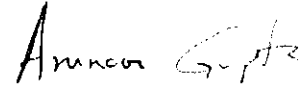
Carl A. Pinkert, Ph.D.

Vice President for Research and Economic Development

Date: 8/7/2017

DISCLAIMER OF OWNERSHIP RIGHTS

I, Dr. Arunava Gupta, hereby expressly disclaim all ownership and interest in the work of Mr. Ali Amiri relating to a VO₂-based memory device. I made no contribution toward development of the concept or to the reduction of the concept to practice.



Signature

17th August 2017

Date

DISCLAIMER OF OWNERSHIP RIGHTS

I, Dr. Patrick LeClair, hereby expressly disclaim all ownership and interest in the work of Mr. Ali Amiri relating to a VO2-based memory device. I made no contribution toward development of the concept or to the reduction of the concept to practice.

Patrick R. LeClair

Signature

17 August 2017

Date

First patent, filed on September 8, 2017:

Filed Application Information

EFS ID	30313382
Application Number	62556065
Confirmation Number	6773
Title of Invention	MATERIAL FOR MEMORY DEVICE APPLICATION
First Named Inventor	ALI AMIRI

Second patent, filed on September 17, 2017:

Filed Application Information

EFS ID	30386870
Application Number	62559608
Confirmation Number	4516
Title of Invention	CELL STRUCTURE FOR A PIEZOELECTRIC RANDOM ACCESS MEMORY
First Named Inventor	ALI AMIRI